

## Kiers, Roger

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**From:** Kiers, Roger  
**Sent:** Monday, September 27, 2010 12:34 PM  
**To:** 'Robert H Krier'  
**Cc:** Holstine, Craig; Williams, Scott; Fuchs, Steve; Sawyer, Jeff  
**Subject:** RE: Attached response to Fuchs communication of 08-24-10  
**Attachments:** PrioritizationPaper.pdf

Bob,  
I am forwarding Steve Fuchs' email response to several items in your letter dated 9/9/10. The document addressing the P2 Program is attached, because I don't think the link below will work externally to WSDOT.

I will also address the last item in your letter concerning the WSDOT Cultural Resources Program's (CRP) recommendations. In accordance with 36 CFR 800, it is our goal to first seek ways to avoid historic properties, then to find ways to minimize adverse effects to historic properties if they cannot be avoided, and finally to mitigate any adverse effects, if necessary. This is what the NHPA and 36 CFR 800 require of Federal agencies. The CRP has expressed to the Project team the need to consider avoidance (preservation of the bridge). The regulations, however, do not require preservation of historic properties, only that Federal agencies "take into account the effects of their undertakings on historic properties," and that agencies "consult with SHPO/THPO and other consulting parties ... to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects to historic properties" (36CFR800.6(A)). The USACOE, as the lead federal agency, has requested that WSDOT provide evidence that alternatives have been developed and evaluated, and that WSDOT complete the consultation w/interested parties required in 36CFR800. While the spirit of the law (the National Historic Preservation Act) is preservation, Sec. 106 requires only that federal agencies "take into account their effects on historic properties."

Thank you for your continued interest in the project. Please let me know if you have any questions.

Sincerely,

Roger Kiers  
Cultural Resources Specialist - Archaeologist  
WSDOT Environmental Services Office  
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**From:** Fuchs, Steve  
**Sent:** Thursday, September 23, 2010 4:29 PM  
**To:** Kiers, Roger  
**Cc:** Holstine, Craig; Williams, Scott; Schueler, JoAnn; Sawyer, Jeff; Reyes, Rafael; Lewis, Ron; Wilson, DeWayne  
**Subject:** RE: Attached response to Fuchs communication of 08-24-10

To address the issue of the P2 Program, I am attaching a link that was provided to me by Program Management.  
<http://wwi.wsdot.wa.gov/ppsc/pgmmgt/Priprog/PrioritizationPaper.pdf>

I am told this document is still valid, even though it is dated 2004. This document helps explain how life cycle cost and benefits are taken into consideration in determining when a structure should be replaced. Page 9 & 10 focus on the Bridge Preservation program. The point I was attempting to make in earlier communication is that once a bridge is funded for replacement, the expectation, by virtue of RCW, is that the department will no longer use gas tax dollars to

operate, inspect, and maintain the old bridge once the new bridge is open to traffic. If you feel like you need better information to address Mr. Krier's comment, I would suggest you contact the Program Management office.

With regards to the McMillin bridge being located in a developed area, the concern from the Bridge Office, based on experience, is that the McMillin bridge has a high potential to become an attractive nuisance. As I understand the situation with regards to the Timothy bridge, it is in a much more rural setting and therefore the potential to become an attractive nuisance is much less. I am told that the Timothy bridge is fenced off to keep people off the bridge, I assume that is to protect our liability. Again, feel free to contact the Bridge Office if you would like further information.

I gave you a copy of the estimate to remove the McMillin Bridge in my response yesterday.

I assume you can address the issues in the last paragraph of Mr. Krier's letter.

Let me know if you need further information.

Steve

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**From:** Robert H Krier [mailto:neonbob@juno.com]  
**Sent:** Wednesday, September 08, 2010 9:46 PM  
**To:** Kiers, Roger  
**Subject:** Attached response to Fuch's communication of 08-24-10

*Please find, attached, my response to Steve Fuch's communication of August 24, 2010.*

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\*\*\* IMPORTANT: Do not open attachments from unrecognized senders \*\*\*